



Town of Tyngsborough Conservation Commission

25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 Ext. 116
Fax: (978) 649-2301

About the Tyngsborough Conservation Commission

Who are we? The Tyngsborough Conservation Commission (TCC) is a seven-member, volunteer, regulatory body that acts under the Massachusetts Wetland Protection Act (WPA) and Tyngsborough's Wetland Protection Bylaw (WPB).

What is Protected? Under the WPA and WPB the TCC regulates any activity that would remove, Fill, dredge, or alter any areas of protection called resource areas:

Resource Areas	Examples
Bordering Vegetative Wetland (BVW)	Swamps, Bogs, Meadows
Land Subject to Flooding (LSF)	100 Year Flood Plain
Land Under Water (LUW)	Ponds, Lakes, Rivers, Streams
Banks	Area surrounding LUW
Buffer Zone	100 feet adjacent to all other resource areas
Riverfront Area	Within 200 feet of a Perennial Stream

Why protect Resource areas? The resource areas protected under WPA and WPB provide value to the public. The WPA and WPB refer to these values as interests and include:

- Protection of public, private, and ground water supplies
- Protection of shellfish, fisheries, and wildlife habitat
- Flood and erosion control
- Storm damage prevention
- Prevention of pollution
- Aesthetic and recreational values

What do you Need to do? If you plan to do work on property that is near any protected resource area, you must file with the TCC. The TCC's office is happy to help you with your filing. There are four ways to file; they are listed and described below:

Type of Filing	When to Use
Request for Determination (RDA)	File an RDA if you are unsure whether the proposed work falls under the jurisdiction of the TCC.
Notice of Intent (NOI)	File an NOI if the proposed work will involve removing, filling, dredging, or altering any resource area.
Abbreviated NOI	File an Abbreviated NOI if the proposed work will only occur in a buffer zone of LSF <u>and</u> does not impact more than 1000 sq.ft. of either resource area.
Agent Determination	The TCC's agent can approve some activities without a filing. Call the TCC's office for information.

Continued on next page

About the Tyngsborough Conservation Commission (continued)

What happens After a filing?

After receiving a filing, the TCC must hold a public hearing. During the hearing the TCC will ask questions to ascertain the impact to the areas within their jurisdiction. The TCC will also listen to information or questions from other town boards and abutters to the work area as well as consider their concerns.

- If the TCC feels they need more information before they can make a decision, the TCC will ask to continue the hearing to a specific date and time. You and/or TCC's consultant will gather needed information in time for the next meeting.
- If the TCC has enough information then one of the following occurs:

If the filing is an	Then the TCC can
RDA	<ul style="list-style-type: none">*Issue a Negative Determination when the proposed work does not fall under the TCC's jurisdiction or cause any negative impacts to the resource area.*Issue a Positive Determination when the proposed work is invasive to the resource area.If you receive a Positive Determination and you still want to do the work, you must file an NOI or an Abbreviated NOI.
NOI or Abbreviated NOI	<ul style="list-style-type: none">Close the hearing and issue an Order of Conditions (OOC) that can:*Approve the proposed work*Approve the proposed work with conditions*Deny the proposed work

Is there an appeal process?

Any appellant (the applicant, landowner, any abutter, or 10 local citizens) who does not agree with the decisions made by the TCC, can appeal the decision to the State's Department of Environmental Protection (DEP).

After review the DEP will issue a Superceding OOC that either supports the TCC's decision, takes an opposing view, or makes different decisions.

Any appellant or the TCC may appeal the DEP's superceding OOC to the DEP Office of Administration Appeals or can request an Adjudicatory Hearing. The TCC may also appeal to Superior Court under the WPB.

Need additional information?

The TCC's office is open Monday 8:00 A.M. to 7:00 P.M., Tuesday through Thursday, 8:00 A.M. to 4:00 P.M. and Friday 8:00 A.M. to 12:30 P.M.

Copies of the WPA are available at the State House Bookstore.

Copies of the WPB are available at the Tyngsborough Town Hall, Town Clerk's Office.